



City Clerk

CITY OF SAN JOSÉ, CALIFORNIA

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STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28582**", the original copy of which is attached hereto, was passed for publication of title on the **2nd day of June, 2009**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **16th day of June, 2009**, by the following vote:

AYES: CAMPOS, CONSTANT, HERRERA, KALRA, LICCARDO,
OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO, CHU, NGUYEN.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **July 3, 2009**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **18th day of June, 2009**.

(SEAL)

LEE PRICE, MMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 28582

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 23.04.030 OF CHAPTER 23.04 OF TITLE 23 OF THE SAN JOSE MUNICIPAL CODE TO MODIFY THE REGULATIONS PERTAINING TO THE CAPITOL EXPRESSWAY AUTO MALL SIGNAGE AREA AND AMENDING SECTION 23.04.156 OF CHAPTER 23.04 OF TITLE 23 OF THE SAN JOSE MUNICIPAL CODE TO AMEND THE REQUIREMENTS FOR VERTICAL PROJECTING SIGNS IN THE URBAN MIXED USE SIGN ZONE, AND MAKING OTHER RELATED CLARIFYING CHANGES IN THOSE SECTIONS

WHEREAS, the Director of Planning, Building and Code Enforcement has determined that the provisions of this ordinance are exempt from the requirements of the California Environmental Quality Act of 1970, together with related implementing guidelines and Title 21 of the San José Municipal Code, all as amended, under File No. PP09-111 (the "Exemption"), which determination has not been protested, challenged or appealed; and

WHEREAS, the City Council of the City of San José is the decision-making body for this ordinance; and

WHEREAS, this City Council has considered and approves the Exemption prior to taking any approval actions on this ordinance.

SECTION 1. Section 23.04.030 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.04.030 Free-standing Signs.

A. Quantity.

1. One (1) free-standing sign shall be allowed on a parcel for each street frontage of the parcel which measures one hundred (100) linear feet or more in length.

2. Exceptions:

- a. Parcels located entirely within the Capitol Expressway Auto Mall Signage Area may have one (1) free-standing sign per parcel, plus one (1) additional free-standing sign for each automobile manufacturer sold on that parcel up to a maximum of two (2) such additional free-standing signs, such that the total number of free-standing signs allowed on the parcel shall not exceed a total maximum of three (3) free-standing signs.
 - b. In addition to the signs allowed in Section 23.04.030.A.1, parcels located entirely within the Stevens Creek Boulevard Signage Area may have:
 - i. One (1) additional free-standing sign for each one hundred (100) linear feet of outdoor retail display frontage of that parcel up to a maximum of two (2) additional free-standing signs, provided that the total number of free-standing signs allowed on any parcel shall not exceed a total maximum of three (3) free-standing signs.
 - c. Parcels with more than five hundred (500) linear feet of street frontage along one single public right-of-way and zoned CG General Commercial District, IP Industrial Park District, LI Light Industrial District, HI Heavy Industrial District, or Planned Development (PD) Overlay District (allowing for uses similar to the CG General Commercial District, IP Industrial Park District, LI Light Industrial District, or HI Heavy Industrial District) may have one (1) additional free-standing sign for each four hundred (400) linear feet of street frontage along that particular public right away that is beyond the initial five hundred (500) linear feet of street frontage on that particular public right-of-way, subject to those size limitations set forth in Section 23.04.030 (B).
3. For corner parcels, no more than one free-standing sign shall be located within one hundred (100) feet of the corner intersection.

B. Size.

1. The aggregate sign area of all free-standing signs on a parcel shall not exceed a total area equal to one square foot per each five linear feet of street frontage of the parcel, and the aggregate sign area of all free-standing signs along one single public right-of-way shall not exceed a total area equal to one square foot per each five linear feet of street frontage along that one public right of way.

2. No free-standing sign shall have an area in excess of one hundred twenty (120) square feet.
3. A free-standing sign shall have a maximum sign area of forty (40) square feet when facing streets with residential uses or zoning districts across the street.
4. Exceptions.
 - a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, one allowed (1) free-standing sign on a parcel shall not exceed a maximum sign area of one hundred twenty square feet and any remaining allowed free-standing sign on a parcel shall not exceed a maximum sign area of fifty (50) square feet.
 - b. For parcels located entirely within the Stevens Creek Boulevard Signage Area:
 - i. The aggregate sign area of all free-standing signs allowed on a parcel pursuant to the provisions of this Section shall not exceed a total area equal to three and thirty-five hundredths (3.35) square feet per each five (5) linear feet of street frontage of the parcel, and the aggregate sign area of all free-standing signs along one single public right-of-way shall not exceed a total area equal to three and thirty-five hundredths (3.35) square feet per each five (5) linear feet of street frontage along that one public right of way, except that any freestanding sign allowed for an outdoor retail display frontage shall not exceed a maximum sign area of seventy-five (75) square feet and shall not be included in the calculation of aggregate sign area.
 - ii. No free-standing sign shall have an area in excess of one hundred and fifty (150) square feet in any event.

C. Height.

1. The maximum height of a free-standing sign shall be the square footage of the sign area divided by four. However, in no event shall the height of any sign exceed twenty (20) feet.
2. Exceptions:
 - a. For parcels located entirely within the Capitol Expressway Auto

Mall Signage Area, the maximum height of one (1) free-standing sign on a parcel shall not exceed forty (40) feet and the maximum height of any other allowed free-standing sign shall not exceed nine (9) feet.

- b. For parcels located entirely within the Stevens Creek Boulevard Signage Area, the maximum height in feet of any one (1) free-standing sign on a parcel shall not exceed the square footage of the sign area divided by three and seventy-five hundredths (3.75), and in no event shall the maximum height of that sign exceed forty (40) feet.

D. Setbacks.

1. The required front setback of a free-standing sign on a parcel shall be a minimum of four (4) feet. for any sign that is six (6) feet or less in height, six (6) feet for any sign greater than six (6) feet in height but less than ten (10) feet in height, and ten (10) feet for any sign that is ten (10) feet or greater in height.
2. Exception:
 - a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, the required front setback of any free-standing sign on the parcel shall be a minimum of four (4) feet.
3. Each free-standing sign shall be located at least twenty-five (25) feet from the side and rear property lines of the parcel.

E. Other Provisions.

1. Sign Base. All freestanding signs shall be placed on a base of at least eighteen (18) inches in height that is architecturally consistent with the main building of the parcel and the freestanding sign it supports. The base shall be constructed of durable materials to reduce the likelihood of unsightly signs and blighted conditions.
2. Landscaping. All free-standing signs shall be located fully within a landscaped area extending from the supporting structure of the sign to a point on all sides that is at least four feet from vertical lines drawn from the outer edges of the sign. For purposes of this provision, "landscaped area" shall mean an area containing live plant material including, but not limited to, ground cover, shrubs, grass and trees.
3. Time and Temperature Signs.

- a. Any otherwise allowed free-standing sign may include a time and temperature sign not exceeding fifteen square feet in sign area.
- b. A time and temperature sign not exceeding fifteen square feet in sign area, excluding any frame, may be located on the primary building on a parcel.
- c. Any time and temperature sign meeting the requirements of Subsection a or b above shall not reduce otherwise allowable signage.

F. Multiple Parcels Subject to a Single Development Permit.

Where more than one parcel is subject to a single development permit issued pursuant to Chapter 20.100, the term "parcel" as used in this section shall mean the entire site covered by the single development permit.

SECTION 2. Section 23.04.156 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.04.156 Types of Signs

A. Any Combination of Signs.

1. Signage allowed by Section 23.04.154 may consist of any combination of allowed free-standing signs, flat-mounted signs, projecting signs, awning signs, and banners. Segmented signs are allowed.
2. Each occupancy frontage may also display window signs, temporary signs, safety or directional signs, and any other signs expressly authorized by this Code.

B. Free-Standing Signs.

1. Except as provided in this Subsection, free-standing signs shall not exceed eight feet in height above grade.
2. Free-standing signs that are less than six feet wide may be up to twenty-five (25) feet in height above grade.
3. The height of construction signs shall be as set forth in Section 23.04.610B.6.

C. Flat-Mounted Signs.

1. Flat-mounted signs (except for Architectural Signs allowed under Section 23.04.156.J) shall be displayed no higher than the finished floor elevation of the fourth floor, except as otherwise specifically allowed in this Section, and in any event shall be displayed at a height no greater than forty-five (45) feet.
2. Flat-mounted signs shall not project more than two (2) inches from the face of the building, except for flat-mounted signs consisting of individual letters or letters attached to raceways.
3. Flat-mounted signs shall not be displayed on Mixed Use Residential Facades.

D. Projecting Vertical Signs.

1. Projecting vertical signs located adjacent to a street of less than one hundred-twenty (120) feet in width shall be located at least twenty (20) feet above grade but may project no higher than sixty (60) feet above grade. Projecting vertical signs located adjacent to a street of one hundred-twenty (120) feet or greater in width shall be located at least fourteen (14) feet above grade but may project no higher than seventy (70) feet above grade.
2. Projecting vertical signs located adjacent to a street of less than one hundred-twenty (120) feet in width shall project out from a building face no more than five feet six inches (5'6"). Projecting vertical signs located adjacent to a street of one hundred-twenty (120) feet or greater in width shall project out from a building face no more than ten (10) feet.
3. Projecting vertical signs located adjacent to a street of less than one hundred-twenty (120) feet in width shall not project above the cornice or parapet of a building. Projecting vertical signs located adjacent to a street of one hundred-twenty (120) feet or greater in width may project a maximum of ten feet (10') above the cornice or parapet of a building.
4. Projecting vertical signs shall be permitted on Mixed Use Residential Facades.

E. Fin signs.

1. Fin Signs shall be located no higher than the height of the finished floor elevation of the fourth floor of the building; and

2. Shall project no more than one-half the width of the sidewalk over which the sign projects or seven feet six inches (7'6"), whichever is less.
3. Fin signs shall be permitted on Mixed Use Residential Facades.

F. Awning Signs; Porte-Cochere Signs.

1. Awning signs shall be located no higher than the finished floor elevation of the fourth floor above grade; provided, however, that awning signs on Mixed Use Residential Facades shall be located no higher than the finished floor elevation of the second residential floor above grade.
2. Signage on awnings shall be limited to thirty-five percent (35%) of the exterior surface area of the awning.
3. Signage on porte-cocheres shall be allowed only on vertical surfaces of the porte-cochere and shall be limited to thirty-five percent (35%) of the exterior surface area of the vertical surfaces of the porte-cochere.
4. Signage on awnings and porte-cocheres shall be permitted on Mixed Use Residential Facades, subject to the limitations in Subsection 23.04.156.E.1 above.

G. Banner Signs.

1. Free-standing banners shall comply with the provisions of Section 23.04.156.B above.
2. Projecting banners shall comply with the provisions of Section 23.04.156.D above.
3. Flat-mounted banners are not allowed.

H. Window Signs. Window signs consistent with Section 23.02.1060 of this Title shall be allowed on first- and second-story windows. { xe "Window signs:Urban Mixed-Use Sign Zone" }

I. Marquees.

1. Marquees are allowed for theatres and movie houses and on buildings containing marquees that historically were theatres or movie houses.
2. A marquee, including any vertical projection, is a single sign and an

architectural element. The vertical projection of a marquee may project above the cornice line of a building.

3. Marquees may be animated signs or have animated sections.
4. Marquee signage shall not be subject to the size and placement limitations elsewhere in this Part, but instead shall be subject to the provisions of Section 23.04.154.C.2 above.

J. Programmable Display Signs.

1. For a single building with a footprint of at least one hundred twenty-five thousand square feet, a maximum of two (2), attached programmable display signs shall be allowed, subject to the approval of the Director, whose approval shall be issued when the sign or signs meet all of the following criteria:
 - a. The sign(s) shall be located no higher than twelve (12) feet from grade unless the Director finds that a greater height achieves a pedestrian-level orientation; and
 - b. The sign(s) shall not reduce or obscure glazing; and
 - c. Each sign does not exceed a maximum size of eighteen (18) square feet in sign area; and
 - d. No sign is displayed on a Mixed Use Residential Façade.

K. Architectural Signs.

1. The total amount of Architectural Signs allowed on any one building shall not exceed a total maximum area of two hundred (200) square feet per building, in the aggregate.
2. Each Architectural Sign shall be limited in area to a maximum of thirty-two (32) square feet, except that one Architectural Sign of up to one hundred (100) square feet in area may be located on one building frontage, all subject to the total maximum area allowed under Subsection 23.04.156.M.1 above.
3. Architectural Signs shall be allowed on Mixed Use Residential Facades.

L. Vending Cart Signs.

The total amount of Vending Cart Signs allowed on any one vending cart shall be limited by a maximum of sixteen (16) square feet of total signage allowed in the aggregate per vending cart and a maximum area of four (4) square feet per Vending Cart Sign.

M. Retail Pavilion Signs.

1. The aggregate sign area of all Retail Pavilion Signs allowed on an occupancy frontage shall not exceed one and five-tenths (1.5) square feet for each linear foot of occupancy frontage except as provided in this Subsection.
2. The maximum sign area for any one Retail Pavilion Sign shall not exceed one (1.0) square foot for each linear foot of occupancy frontage where the Retail Pavilion Sign is displayed.
3. Retail Pavilion Signs may be displayed for more than one occupancy frontage, subject to the maximum amount of signage allowed for each occupancy frontage.
4. Retail Pavilion signage allowed by this Subsection L.1 may consist of any combination of allowed flat-mounted signs, projecting signs, and awning signs.
5. Each occupancy frontage also may display window signs, temporary signs, safety or directional signs, and any other signs expressly authorized by this Code.
6. No Retail Pavilion Sign shall extend above the retail pavilion building parapet or eave.
7. Instead of the signage permitted by Subsection L.1 above, an applicant, at applicant's option, may for one occupancy frontage per pavilion, substitute a programmable display sign that conforms with all of the following criteria:
 - a. The size of the programmable display sign shall not exceed a maximum area of eighteen (18) square feet.
 - b. The programmable display sign shall be flat mounted to the wall of the retail pavilion and shall not extend above the retail pavilion building parapet or eave.

N. Programmable Display Kiosk Signs.

Programmable Display Kiosk Signs are allowed subject to the following criteria and conditions:

1. The total sign area on kiosks shall not exceed eighteen (18) square feet per kiosk face in the aggregate, and no Programmable Display Kiosk Sign shall be located higher than eight (8) feet in height above grade.
2. Programmable Display Kiosk Signs may be animated and/or may be illuminated with continuous external or internal lighting.
3. Programmable Display Kiosk Signs shall not be displayed on kiosks located within forty (40) feet of another kiosk displaying a Programmable Display Kiosk Sign.
4. A minimum width of unobstructed sidewalk clearance of four (4) feet shall be maintained around a kiosk for pedestrian traffic.
5. The maximum number of kiosks on which a Programmable Display Kiosk Sign may be displayed shall be the number equivalent to one (1) kiosk per every five (5) acres of development within the Urban Mixed Use Development Area Sign Zone.

PASSED FOR PUBLICATION of title this 2nd day of June, 2009, by the following vote:

AYES: CAMPOS, CONSTANT, HERRERA, KALRA, LICCARDO,
OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: CHIRCO, CHU, NGUYEN.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:


LEE PRICE, MMC
City Clerk